

REMARKS

This Supplementary Amendment is being filed prior to examination of the above-identified application and in response to the Office Action that issued in the parent application (U.S. Serial No. 09/177,944) on January 17, 2003.

Claims 1-19 were pending in the application. In this Amendment, claims 1 and 9 have been amended. Claims 1-19 thus remain for consideration.

Applicants submit that the application is in condition for allowance and request early and favorable consideration by the Examiner in light of the following remarks.

Abstract

A new abstract has been provided.

The new abstract is believed to be in compliance with all formality requirements.

§112 Rejections

In the Office Action that issued in the parent application on January 17, 2003, claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Further, the Examiner asserted that claims 1-8 were indefinite in that they failed to point out what is included or excluded by the claim language.

Applicants have amended claims 1 and 9 and submit that the amendments to claims 1 and 9 render claims 1-19 compliant with §112. Accordingly, Applicants request that the rejections under §112 be withdrawn.

§102 and §103 Rejections

In the Office Action that issued in the parent application on January 17, 2003, claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Nishio et al. (U.S. Patent No. 5,946,402), and claims 1-6 were rejected under 35 U.S.C. §102(e) as being anticipated by Nakagawa (U.S. Patent No. 5,754,666).

Applicants submit that the independent claim (claim 1) is patentable over Nishio and Nakagawa.

Applicants' invention as recited in the independent claim is directed toward an audio signal processor which modifies audio signal components outside the conventional audio frequency band. The claim recites that "the audio signal processor comprises a Delta Sigma Modulator (DSM) that receives a non-interpolated digital audio signal sampled at a frequency of at least 198 kHz."

Neither Nishio nor Nakagawa discloses an audio signal processor having a Delta Sigma Modulator (DSM) that receives a non-interpolated digital audio signal sampled at a frequency of at least 198 kHz. Accordingly, Applicants submit that claim 1 is patentable over Nishio and Nakagawa – taken either alone or in combination – on at least this basis.

Claims 2-19 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-19 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Applicants submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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